

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: J. Michael Teets, et al.

Application No.: 10 /712,917

Group No.: 3746

Filed: 11/13/2003

Examiner: Charles Grant Freay

For:

An Electricity Generating System Having An Annular Combustor

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**PETITION BY PERSON HAVING PROPRIETARY INTEREST TO FILE
APPLICATION ON BEHALF OF INVENTOR(S) WHO REFUSE TO SIGN OR
CANNOT BE FOUND (37 C.F.R. § 1.47(b))**

NOTE: 37 C.F.R. § 1.47 Filing when an inventor refuses to sign or cannot be reached.

.....

(b) Whenever all of the inventors refuse to execute an application for patent, or cannot be found or reached after diligent effort, a person to whom an inventor has assigned or agreed in writing to assign the invention, or who otherwise shows sufficient proprietary interest in the matter justifying such action, may make application for patent on behalf of and as agent for all the inventors. The oath or declaration in such an application must be accompanied by a petition including proof of the pertinent facts, a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage, the fee set forth in § 1.17(h), and the last known address of all of the inventors. An inventor may subsequently join in the application by filing an oath or declaration complying with § 1.63.

(c) The Office will send notice of the filing of the application to all inventors who have not joined in the application at the address(es) provided in the petition under this section, and publish notice of the filing of the application in the Official Gazette. The Office may dispense with this notice provision in a continuation or divisional application, if notice regarding the filing of the prior application was given to the non-signing inventor(s).

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

(When using Express Mail, the Express Mail label number is mandatory;

Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

- ☐ deposited with the United States Postal Service in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

37 C.F.R. § 1.8(a)

37 C.F.R. § 1.10 *

- ☐ with sufficient postage as first class mail.

- ☐ as "Express Mail Post Office to Addressee"

Mailing Label No. _____ (mandatory)

TRANSMISSION

- ☐ facsimile transmitted to the Patent and Trademark Office, (571) 273-8300.

Signature _____

Date: _____

(type or print name of person certifying)

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

(Petition by Person Having Proprietary Interest to File Application on Behalf of Inventor(s) Who Refuse to Sign or Cannot Be Reached (37 C.F.R. § 1.47(b)) [1-5.1]—page 1 of 2)



WARNING: "Filing under 37 CFR 1.47(b) and 35 U.S.C. 118 is permitted only when no inventor is available to make application" § 40903(b), MPEP, 8th Edition.

1. The person/party having a proprietary interest in the above identified application, signs below and petitions to make this application on behalf of the non-signing inventor(s):

J. Michael Teets AND

Type name of omitted joint inventor
Jon W. Teets

who:

- ☒ refuses to join in the application
☐ cannot be found after diligent effort
2. This petition is accompanied by (i) a showing of sufficient proprietary interest, (ii) proof of the pertinent facts and (iii) the last known address of the non-signing inventor as set forth in the accompanying:

STATEMENT OF FACTS IN SUPPORT OF FILING ON BEHALF OF NONSIGNING INVENTOR (37 C.F.R. § 1.47).

3. The fee set forth in § 1.17(g) (\$200.00), required by 37 C.F.R. § 1.47(a), is paid as follows:

- ☒ Attached is a ☒ check ☐ money order in the amount of \$ 200.00
☐ Authorization is hereby made to charge ~~the amount of \$200.00~~ any additional amounts
☒ to Deposit Account No. 23-0650
☐ to Credit card as shown on the attached credit card information authorization form PTO-2038.

WARNING: Credit card information should not be included on this form as it may become public.

- ☐ Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.
☐ A duplicate of this paper is attached.
4. Identification of Person(s) Making this Statement

The person making this statement is:

☒ the owner or a person authorized to sign on behalf of the owner on the basis of

☒ an assignment

☒ recorded: Reel 10284 Frame 557-559

☐ unrecorded

☒ copy attached

☒ Statement under 37 C.F.R. § 3.73(b) is enclosed (Form PTO/SB/96)

☐ an agreement

☐ copy attached

☐ other _____

☐ supporting papers attached

Hideyuki Kuwajima

type name of person who sign

Corporate Secretary

Official capacity of person who signs (if applicable)


Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: J. Michael Teets, et al.

For: An Electricity Generating System Having An Annular Combustor

(check and complete (a), (b), or (c))

the specification of which:

- (a) ☐ is attached hereto.
- (b) ☒ was filed on 11/13/2003 as Application No. 10/712,917
/ and was amended on 09/07/2006 (if applicable).
- (c) ☐ was described and claimed in International Application No.
filed on and as amended on (if any).

STATEMENT ESTABLISHING PROPRIETARY INTEREST BY PERSON
SIGNING ON BEHALF OF NONSIGNING INVENTOR

NOTE: MPEP, § 409.03(b), 8th Edition: "Where a corporation is the 37 CFR 1.47(b) applicant, an officer (President, Vice-President, Secretary, Treasurer, or Chief Executive Officer) thereof should normally sign the necessary oath or declaration. A corporation may authorize any person, including an attorney or agent registered to practice before the U.S. Patent and Trademark Office, to sign the application oath or declaration on its behalf. Where an oath or declaration is signed by a registered attorney or agent on behalf of a corporation, either proof of the attorney's or agent's authority in the form of a statement signed by an appropriate corporate officer must be submitted, or the attorney or agent may simply state that he or she is authorized to sign on behalf of the corporation. Where the oath or declaration is being signed on behalf of an assignee, see MPEP § 324. An inventor may not authorize another individual to act as his or her agent to sign the application oath or declaration on his or her behalf. *Staege v. Commissioner*, 189 USPQ 272 (D.D.C. 1976), *In re Striker*, 182 USPQ 507 (Comm'r Pat. 1973)."

I, Hideyuki Kuwajima

Name of person making statement

4430 S.E. Graham Drive

Residing at

Stuart, Florida 34997

am the person signing the declaration on the above-identified application on behalf of the nonsigning inventor and make this statement as to the facts establishing my proprietary interest.

II. As of the date I signed the declaration for this application, the proprietary interest in this invention:

(check one)

☐ belonged to me.

☒ belonged to the following juristic person:

Elliott Energy Systems, Inc.

Name of company or other juristic person

2901 S.E. Monroe Street, Stuart, Florida 34997

Address of company or other juristic person

and I am authorized to sign the statement on behalf of the juristic person, my title being

(type or print title of person making statement in corporation or juristic person)

Corporate Secretary for Elliott Energy Systems, Inc.

NOTE: A person with sufficient proprietary interest may authorize any person, including an attorney or agent registered to practice before the PTO, to sign the application papers on its behalf. Where this happens proof of this authority in the form of a statement signed by an appropriate official of the corporation or juristic person must be submitted. M.P.E.P. § 409.03(b), 7th ed.

NOTE: An inventor may not authorize another individual to act as his agent to sign the declaration papers although he or she can authorize the filing of the application if he or she later makes the declaration. See 37 C.F.R. § 1.41(c).

III. A. I establish the proprietary interest by

(check and complete (d) or (e))

NOTE: MPEP, § 409.03(f), 8th Edition: "If the application has been assigned, a copy of the assignment (in the English language) must be submitted."

(d) ☒ attaching a copy of the assignment of this invention by the nonsigning inventor.

(e) ☐ attaching a copy of the agreement whereby the nonsigning inventor agreed to assign this invention.

NOTE: A typical agreement to assign includes the employment agreement whereby the nonsigning inventor agreed to assign all his inventions to his or her employer. If an agreement to assign is dependent on certain specified conditions being met, it must be established in this statement that those conditions have been met. M.P.E.P. § 409.03(f), 8th ed.

OR

B. ☐ Although there is no assignment or written agreement to assign, a sufficient proprietary interest is demonstrated by the attached legal memorandum establishing that a court of competent jurisdiction would, by the weight of authority in that jurisdiction, award title in the invention to me or the legal entity on whose behalf I have authority to sign.

NOTE: There should be filed a STATEMENT BY PERSON HAVING FIRST HAND KNOWLEDGE THAT NONSIGNING INVENTOR WAS EMPLOYEE OR OTHERWISE OBLIGATED TO PERSON WITH SUFFICIENT PROPRIETARY INTEREST WHEN INVENTION MADE.

NOTE: If the assignment being submitted is to be recorded, it should be submitted with an ASSIGNMENT (DOCUMENT) COVER SHEET or Form PTO 1595.

IV. ASSIGNEE'S STATEMENT

☒ A "STATEMENT UNDER 37 CFR 3.73(b)" (PTO/SB/96) is attached.

V. PROOF OF NEED TO PREVENT IRREPARABLE DAMAGE OR PRESERVE THE RIGHTS OF THE PARTIES

NOTE: This proof must be presented where the declaration is signed by a person with sufficient proprietary interest for the nonsigning inventor (37 C.F.R. § 1.47(b)).

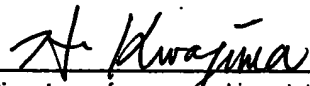
Irreparable damage may be established by showing that a filing date is necessary to preserve the rights of the party, such as to (1) avoid a statutory bar that should identify the act or publication believed to constitute the bar or (2) make a claim for priority, which should identify the prior application(s) involved. M.P.E.P. § 409.03(g), 8th ed.

Preservation of the rights of the parties may be demonstrated by a showing that the nonsigning inventor may reasonably be expected to enter into competition with the person having a proprietary interest and signing on behalf of the omitted inventor or that a firm plan for commercialization of the subject matter of the application has been adopted. M.P.E.P. § 409.03(g), previous 7th ed.

NOTE: This section may be omitted if it is completed in the Statement of Facts in Support of Filing on Behalf of Nonsigning Inventor.

(use Supplemental Page(s) if necessary)

Date: Oct 6, 2006



Signature of person making statement
Hideoyuki Kuwajima

NOTE: MPEP, § 409.03(b), 8th Edition: "Where a corporation is the 37 CFR 1.47(b) applicant, an officer (President, Vice-President, Secretary, Treasurer, or Chief Executive Officer) thereof should normally sign the necessary oath or declaration. A corporation may authorize any person, including an attorney or agent registered to practice before the U.S. Patent and Trademark Office, to sign the application oath or declaration on its behalf. Where an oath or declaration is signed by a registered attorney or agent on behalf of a corporation, either proof of the attorney's or agent's authority in the form of a statement signed by an appropriate corporate officer must be submitted, or the attorney or agent may simply state that he or she is authorized to sign on behalf of the corporation. Where the oath or declaration is being signed on behalf of an assignee, see MPEP § 324. An inventor may not authorize another individual to act as his or her agent to sign the application oath or declaration on his or her behalf. Staeger v. Commissioner, 189 USPQ 272 (D.D.C. 1976), In re Striker, 182 USPQ 507 (Comm'r Pat. 1973)."

☐ Plus - NONE - added page(s)

(Statement Establishing Proprietary Interest by Person Signing on Behalf of Nonsigning Inventor [1-7]
—page 3 of 3)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: J. Michael Teets, et al.

For: An electricity Generating System Having An Annular Combustor

the specification of which:

(check and complete (a), (b), or (c))

- (a) ☐ is attached hereto.
- (b) ☒ was filed on 11/13/2003, as Application Serial No. 10 / 712,917
and was amended on 09/07/2006 (if applicable).
- (c) ☐ was described and claimed in International Application No. _____
filed on _____ and as amended on _____ (if any).

STATEMENT OF FACTS IN SUPPORT OF FILING
ON BEHALF OF NONSIGNING INVENTOR (37 C.F.R. § 1.47)

NOTE: This statement as to the pertinent facts concerning the refusal of the nonsigning inventor to join in the application or where the omitted inventor cannot be found or reached must accompany the declaration signed on behalf of the omitted inventor by a joint inventor or by a legal representative who shows a proprietary interest. Where the entity with a proprietary interest executes the declaration on behalf of the omitted inventor there must also be a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage. 37 C.F.R. §§ 1.47(a) and (b).

NOTE: "The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included statement of facts. It is important that the statement contain facts as opposed to conclusions." MPEP, § 409.03(d), 8th Edition.

This statement is made as to the exact facts that are relied upon to establish the diligent effort made to secure the execution of the declaration by the nonsigning inventor for the above-identified patent application before deposit thereof in the Patent and Trademark Office.

(check next item, if applicable)

- ☐ Because signing on behalf of the nonsigning inventor is by a person or entity showing a sufficient proprietary interest, this statement also recites facts as to why this action was necessary to preserve the rights of the parties or to prevent irreparable damage.

This statement is being made by the available person having first-hand knowledge of the facts recited therein.

NOTE: The statement "must be signed, where at all possible, by a person having first-hand knowledge of the facts recited therein." M.P.E.P. § 409.03(d), 8th ed. If different persons have first-hand knowledge of different facts, then a declaration from each such person as to those facts he or she knows should be submitted separately.



NOTE: Copies of documentary evidence, such as internet searches, certified mail return receipt, cover letter of instructions, telegrams, etc., that support a finding that the nonsigning inventor could not be reached should be made part of the affidavit or declaration. It is important that the affidavit or declaration contain statements of fact as opposed to conclusions. M.P.E.P. § 409.03(d), 8th ed.

IDENTIFICATION OF PERSON MAKING THIS STATEMENT OF FACTS

Margaret V. Merton

Name

Elliott Energy Systems, Inc.

Address

2901 S.E. Monroe Street, Stuart, Florida 34997

EFFORTS DURING CONVENTION YEAR TO PREPARE APPLICATION AND OBTAIN INVENTOR'S SIGNATURE

NOTE: In cases where priority under 35 U.S.C. § 119 is to be claimed, the 37 C.F.R. § 1.47 applicant should explain what efforts, if any, were made during the Convention year to prepare the application and obtain the inventor's signature thereon. The period allowed by the Convention year should "be sufficient for the preparation and deposit of an application . . . in the form required by the rules." . . . Accordingly, 37 C.F.R. § 1.47 may not be used "to save the parties from the consequences of their delay." M.P.E.P. § 409.03(d), 7th ed.

SEE PAGE 4.

(use Supplemental Page(s), if necessary)

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LAST KNOWN ADDRESS OF THE NONSIGNING INVENTOR

NOTE: MPEP, § 409.03(e), 8th Edition:

"An application filed pursuant to 37 CFR 1.47 must state the last known address of the nonsigning inventor.

"That address should be the last known address at which the inventor customarily receives mail. See MPEP § 605.03. Ordinarily, the last known address will be the last known residence of the nonsigning inventor.

"Inasmuch as a nonsigning inventor is notified that an application pursuant to 37 CFR 1.47 has been filed on his or her behalf, other addresses at which the nonsigning inventor may be reached should also be given."

J. Michael Teets

Full name of nonsigning inventor
5225 Inkwood Drive

Last known address of nonsigning inventor
Hobe Sound, Florida 33455

NOTE: Ordinarily, the last known address will be the last known residence of the nonsigning inventor, but other addresses at which the nonsigning inventor may be reached should also be given in the space below. M.P.E.P. § 409.03(e), 6th ed.

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LAST KNOWN ADDRESS OF THE NONSIGNING INVENTOR

NOTE: MPEP, § 409.03(e), 8th Edition:

"An application filed pursuant to 37 CFR 1.47 must state the last known address of the nonsigning inventor.

"That address should be the last known address at which the inventor customarily receives mail. See MPEP § 605.03. Ordinarily, the last known address will be the last known residence of the nonsigning inventor.

"Inasmuch as a nonsigning inventor is notified that an application pursuant to 37 CFR 1.47 has been filed on his or her behalf, other addresses at which the nonsigning inventor may be reached should also be given."

Jon W. Teets

Full name of nonsigning inventor
7556 E. Sweetwater Avenue

Last known address of nonsigning inventor
Scottsdale, Arizona 85260

NOTE: Ordinarily, the last known address will be the last known residence of the nonsigning inventor, but other addresses at which the nonsigning inventor may be reached should also be given in the space below. M.P.E.P. § 409.03(e), 6th ed.

page 3B of 7

DETAILS OF EFFORTS TO REACH NONSIGNING INVENTOR

NOTE: Complete either these facts or the facts as to REFUSAL OF NONSIGNING INVENTOR TO SIGN APPLICATION PAPERS or both, in applicable circumstances.

NOTE: "The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included statement of facts. It is important that the statement contain facts as opposed to conclusions." MPEP, § 409.03(d), 8th Edition.

The subject Reissue Patent Application was prepared by the Webb Law Firm.

On or about July 10, 2006, I received a letter (Exhibit A) from Mr. Paul Reznick of the Webb Law Firm providing to me a copy of a recent Office Action (Exhibit B) along with a Supplemental Reissue Declaration for Reissue Patent Application to Correct "Errors" Statment (37 CFR 1.175), hereinafter Supplemental Declaration (Exhibit C). The letter from Mr. Reznick indicated that the Supplement Declaration must be signed by both inventors.

On July 12, 2006, I forwarded a package made up of a letter (Exhibit D) and a copy of the Supplemental Declaration (Exhibit C) to J. Michael Teets at the following address: J. Michael Teets, 5225 Inkwood Drive, Hobe Sound, Florida 33455. This is the last know address of J. Michael Teets. Prior to mailing the Declaration to J. Michael Teets, I spoke with him on the telephone and he indicated he would not sign the Declaration but asked me to send it to him and he would then communicate with Jon. My letter (Exhibit D) was hand written and consisted of two paragraphs, with the last paragraph ending in the words "before August. Thanks." I did not send a separate letter to or communicate with Jon W. Teets because I know that Michael and Jon frequently communicate with one another and felt a single letter to Michael would be the most efficient manner of handling this matter, especially since he indicated he would communicate with Jon.

On or about July 16, 2006, the letter (Exhibit D) and the Supplemental Declaration (Exhibit C) were returned to me by J. Michael Teets with a note added on the bottom of my returned letter from J. Michael Teets stating:

Jon and I do not accept responsibility of signing the supplied patent application 10/712,917 form PTO/SB/51S. I have enclosed the package you had supplied me for review.

On July 19, 2006, I forwarded in a letter (Exhibit E) to Mr. Paul Reznick of the Webb Law Firm, the letter (Exhibit D) I sent to J. Michael Teets along with the Supplemental Declaration (Exhibit C) I sent to J. Michael Teets.
(use Supplemental Page(s), if necessary)

DETAILS OF REFUSAL OF NONSIGNING INVENTOR TO SIGN APPLICATION PAPERS

NOTE: Complete either these facts or the facts as to **DETAILS OF EFFORTS TO REACH NONSIGNING INVENTOR** or both, in applicable circumstances.

NOTE: MPEP, § 409.03(d), 8th Edition:

"A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. The fact that an application may contain proprietary information does not relieve the 37 CFR 1.47 applicant of the responsibility to present the application papers to the inventor if the inventor is willing to receive the papers in order to sign the oath or declaration. It is noted that the inventor may obtain a complete copy of the application, unless the inventor has assigned his or her interest in the application, and the assignee has requested that the inventor not be permitted access. See MPEP § 106. It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).

"Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.

"Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.

"When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition."

SEE PAGE 4.

(use Supplemental Page(s), if necessary)

**PROOF OF NEED TO PREVENT IRREPARABLE DAMAGE
OR PRESERVE THE RIGHTS OF THE PARTIES**

NOTE: This proof must be presented where the declaration is signed by a person with sufficient proprietary interest for the nonsigning inventor (37 C.F.R. § 1.47(b)), but is not a requirement when the person signing for the nonsigning inventor is a joint inventor. (37 C.F.R. § 1.47(a)).

If a statutory bar is involved, the act or publication which is believed to constitute the bar should be identified. If a claim for priority is involved, the prior application or applications should be identified.

A diligent effort to prepare the application and obtain the inventor's signature thereon must be made, even if the application is being filed to avoid a bar or to claim priority. M.P.E.P. § 409.03(g), 7th ed.

Irreparable damage may be established by showing that a filing date is necessary to (1) avoid a statutory bar or (2) make a claim for priority, which should identify the prior application(s) involved.

Preservation of the rights of the parties may be demonstrated by a showing that the nonsigning inventor may reasonably be expected to enter into competition with the person having a proprietary interest and signing on behalf of the nonsigning inventor or that a firm plan for commercialization of the subject matter of the application has been adopted.

M.P.E.P. § 409.03(g), 7th ed.

SEE "STATEMENT OF FACTS ..."
BY PAUL REZNICK.

(if this proof is not needed and not being presented,
then draw a line through this page of the form.)

(use Supplemental Page(s), if necessary)

Date: 10/6/06

Margaret V. Merton
Signature of person making statement
Margaret V. Merton

☐ Plus 0 Added Page(s)

(Statement of Facts in Support of Filing on Behalf of Nonsigning Inventor [1-6]—page 7 of 7)

WILLIAM H. LOGSDON
RUSSELL D. ORKIN
DAVID C. HANSON
RICHARD L. BYRNE
KENT E. BALDAUF
BARBARA E. JOHNSON
PAUL M. REZNICK
JOHN W. MCILVAINE III
JULIE W. MEDER
LESTER N. FORTNEY
KENT E. BALDAUF, JR.
KIRK M. MILES
RANDALL A. NOTZEN
JAMES G. PORCELLI
CHRISTIAN E. SCHUSTER
ANN M. CANNONI
NATHAN J. PREPELKA



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PATENT, TRADEMARK & COPYRIGHT LAW

WILLIAM H. WEBB (1929-1997)
FREDERICK B. ZIESENHEIM (1958-2004)

J. MATTHEW PRITCHARD IV
SEAN M. CASEY (OH AND CA ONLY)
DEBRA Z. ANDERSON
PATRICIA A. OLOSKY
ALEXANDER DETSCHELT
GWENDOLYN R. ACKER WOOD
CRAIG M. WALLER

PATENT AGENTS
JAMES J. BOSCO, JR.
RYAN J. MILLER

OF COUNSEL
DONALD C. LEPIANE
DARRELL E. WILLIAMS

FACSIMILE TRANSMITTAL

Page 1 of 15

July 7, 2006

VIA FACSIMILE No: 772-219-9448

Ms. Margaret V. Merton
General Administration Manager
Elliott Energy Systems, Inc.
2901 S.E. Monroe Street
Stuart, FL 34997

**CONFIRMATION
COPY**

Re: UNITED STATES Patent Application No. 10/712,917 filed
November 13, 2003 entitled "An Electricity Generating System
Having an Annular Combustor"
Our File: 3419-032151 Your Ref.: A002

Dear Vicky:

We have received a final Office Action in the above-identified patent application. A copy of the Office Action is enclosed. The prior art references cited by the Examiner are identical to those cited in the earlier Office Action and we are not providing copies of those references with this correspondence. Furthermore, the patents newly cited by the Examiner in the attached Form PTO/892 were not used for any prior art rejections and, for that reason, we will forward copies of these to you with the confirmation copy of this letter. Also enclosed is a copy of the currently pending claims.

This application is a reissue application of United States Patent No. 6,314,717 (the '717 patent).

The Examiner is requiring a Supplemental Reissue Declaration which must be signed by both of the inventors. Please find attached herewith a copy of such a Supplemental Declaration and, as indicated, this Declaration must be signed by Jon Teets and Michael Teets.

EXHIBIT A

Ms. Vicky Merton

-2-

July 7, 2006

Please forward this Declaration to them for their signatures at your earliest convenience by certified mail. Please return the signed document to me for filing. If you wish, we will send the document to them for signing.

If the Teets brothers refuse to sign the Declaration, then we must petition the Patent Office so that a representative of Elliott Energy Systems can sign the Declaration on their behalf.

The Examiner has rejected claims 1-9 and 15-18 based upon the originally filed reissue Declaration which, in light of the current amendments, is deemed defective. Upon submission of the Supplemental Declaration claims 1-9 and 15-18 will be allowable.

Independent claim 41 has been objected to based upon a formality listed in the middle of page 2. We can attend to this matter.

Claims 10-14, 57 and 60-63 have been rejected based upon prior art as spelled out on pages 2-5 of the Office Action based upon the same references cited in the previous Office Action. The Examiner is of the opinion that the term "fluid metering valve" may be broadly applied to any valve that controls the flow of a fluid and the prior art references show such a valve.

Therefore, we propose limiting both rejected independent claims 10 and 57 with further details of the fluid metering valve such as indicating that the fluid metering valve is directly responsive to exhaust gas temperatures. In particular and as stated in column 15, lines 66 and 67 and column 16, lines 1-18 of the '717 patent, initial amounts of fuel flowing to the combustor are established based upon the inlet and exit exhaust gas temperatures, which are used to set the proportional solenoid fuel meter valve 38. Subsequently, the speed of the rotor is dependent upon the exhaust gas temperature. Such a feature is neither taught nor suggest by the prior art references.

Because this is a final Office Action, the Examiner is not obligated to enter an Amendment which would require further consideration or further searching. However, we do not believe our proposed Amendment to claims 10 and 57 is significantly different from the limitation added to independent claim 41, which indicates that the fuel metering valve is directly responsive to the exhaust gas temperature. For that reason, we are optimistic the Examiner would enter such an Amendment.

Please review this Office Action and provide to us instructions for responding at your earliest convenience. We apologize for delaying and forwarding this Office Action to you and for that reason, our Firm will pay the first month of extension fees.

A response to this Office Action is due on or before August 8, 2006. However, extensions of time will be granted in accordance with the following schedule:

Ms. Vicky Merton

-3-

July 7, 2006

One-Month Extension	September 8, 2006	\$ 120.00
Two-Months Extension	October 8, 2006	\$ 450.00
Three-Months Extension	November 8, 2006	\$1020.00

We look forward to your comments.

Very truly yours,



Paul M. Reznick

PMR:JGP/cac
Enclosures



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,917	11/13/2003	J. Michael Teets	3419-032151	2361

7590 05/08/2006

Webb Ziesenheim Logsdon Orkin & Hanson, P.C.
700 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219-1818

EXAMINER

FREAY, CHARLES GRANT

ART UNIT PAPER NUMBER

3746

DATE MAILED: 05/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

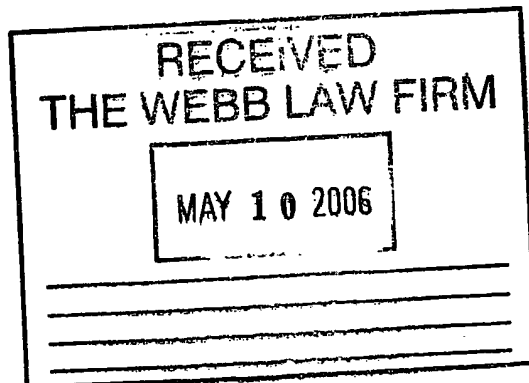


EXHIBIT B

Office Action Summary

Application No.

10/712,917

Applicant(s)

TEETS ET AL.

Examiner

Charles G. Freay

Art Unit

3746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-63 is/are pending in the application.
- 4a) Of the above claim(s) 19-40, 42-56, 58 and 59 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18, 41, 57 and 60-63 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☒ Certified copies of the priority documents have been received in Application No. 09/319478.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This office action is in response to the amendment received December 7, 2005. In making the below rejections and/or objections the examiner has considered and addressed each of the applicant's arguments.

Claim Objections

Claims 60 and 62 are objected to because of the following informalities: in each of the claims there is no antecedent basis for "said inlet" and "said outlet". Appropriate correction is required.

Claims 41 and 57 are objected to as not complying with 37 CFR 1.173(b). Specifically, amendments to the claims must be made relative to the claims in the patent which are in effect as of the date of the filing of the reissue application.

Applicant is notified that any subsequent amendment to the specification and/or claims must comply with 37 CFR 1.173(b).

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 57 is rejected under 35 U.S.C. 102(b) as being anticipated by Adkins et al (USPN 3,187,188).

Adkins et al discloses an electricity generating system having a body (122,136), a combustor (124), a compressor (132) mounted in a compressor chamber and having plural blades, a turbine (134) having plural blades, an air inlet port (118), an exit port, a generator (Figs. 3 and 4) having magnets, and a fuel pump (86) which delivers fuel to metering valves (216, 220).

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 10-12, 14 and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toesca (USPN 3,247,393) in view of Bosley (EP 0 742 634).

Toesca discloses an electricity generating system having a body (17, 16a, 24), a combustor (27, 28), a metering valve (38 note col. 3 lines 40-45), a compressor (15) mounted in a compressor chamber and having plural blades (15a), a turbine (14) having plural blades (14a), a fuel pump (34), a lubricating pump (47), an electric motor (37) driving the pumps, an air inlet port (18), and exit port (25) and a generator (8). Toesca does not disclose that there is at least one magnet secured to the rotor. Bosley discloses a generator system having magnets (see col. 10 and Fig. 7) secured to the rotor. At the time of the invention it would have been obvious to substitute the generator and rotor arrangement as taught by Bosley for the structure of Toesca as a well known equivalent generator arrangement which due to shaft and rotor design is more durable.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Toesca in view of Bosley as applied to claim 11 above, and further in view of McAlvay (USPN 2,966,118) as set forth in the office action of June 7, 2005.

Claims 60 and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adkins et al in view of McCarty (USPN 4,951,459).

As set forth above Adkins et al discloses the invention substantially as claimed including a metering valve (216,220). Adkins et al do not disclose that the metering valves include a plunger to vary fuel flow from an inlet to an outlet or that there is a proportional solenoid which operates the plunger. McCarty discloses a proportional solenoid (6) operated metering valve (8) including a plunger (15) which controls fuel flow from an inlet (79) to an outlet (80) between a pump and a gas turbine engine. At the time of the invention it would have been obvious to one of ordinary skill in the art to substitute a solenoid operated valve which is responsive to a number of engine parameters (note Fig. 1) for the speed controlled metering valves (216, 220) of Adkins in order to create a more functionally-integrated flow metering system adapted for precise and direct control (note the first paragraph of col. 2).

Claims 60-63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toesca in view of Bosley et al as applied to claims 10 and 57 above, and further in view of McCarty (USPN 4,951,459).

As set forth above Toesca in view of Bosley et al discloses the invention substantially as claimed including a metering valve (38 of Toesca). Toesca and Bosley et al do not disclose that the metering valve includes a plunger to vary fuel flow from an inlet to an outlet or that there is a proportional solenoid which operates the plunger. McCarty discloses a proportional solenoid (6) operated metering valve (8) including a plunger (15) which controls fuel flow from an inlet (79) to an outlet (80) between a pump and a gas turbine engine. At the time of the invention it would have been obvious to one of ordinary skill in the art to substitute a solenoid operated valve which is responsive to a number of engine parameters (note Fig. 1) for the hand set metering valve (38) of Toesca in order to create a more functionally-integrated flow metering system adapted for precise and direct control (note the first paragraph of col. 2).

Response to Arguments

Applicant's arguments filed December 7, 2005 have been fully considered but they are not persuasive. With regards to the applicant's arguments that the servo valve of Adkins and the regulator of Toesca are not fluid metering valves, in the arguments relating to claim 57, the examiner disagrees. A fluid metering valve is a broad term. Because the valves disclosed, and noted in the above rejections, act on and control the flow of fluid they are metering valves when considered in view of that terms broadest reasonable interpretation. It is noted that at col. 3 line 44 of Toesca the regulating valve is said to meter the fuel flow.

Reissue Applications

The reissue oath/declaration filed with this application is defective because it fails to identify at least one error which is relied upon to support the reissue application. See 37 CFR 1.175(a)(1) and MPEP § 1414.

The Reissue Declaration notes two errors to be corrected. The first is that method claims could have been included in the original application. This error is moot because of the restriction set forth in the first office action. The method claims were withdrawn from further consideration in that action. The second error noted was that "claim 1 includes features of the fuel metering valve which unnecessarily narrow the claim." By the amendment of December 7, 2005 the applicant has now amended the claims to include various features of the fuel metering valve. Therefore, it is unclear what specific error is being addressed by the current reissue application.

In accordance with 37 CFR 1.175(b)(1), a supplemental reissue oath/declaration under 37 CFR 1.175(b)(1) must be received before this reissue application can be allowed.

Claims 1-18, 41 and 57-63 are rejected as being based upon a defective reissue Declaration under 35 U.S.C. 251. See 37 CFR 1.175. The nature of the defect is set forth above.

Receipt of an appropriate supplemental oath/declaration under 37 CFR

1.175(b)(1) will overcome this rejection under 35 U.S.C. 251. An example of acceptable language to be used in the supplemental oath/declaration is as follows:

"Every error in the patent which was corrected in the present reissue application, and is not covered by a prior oath/declaration submitted in this application, arose without any deceptive intention on the part of the applicant."

Applicant is reminded of the continuing obligation under 37 CFR 1.178(b), to timely apprise the Office of any prior or concurrent proceeding in which Patent No. 6,314,717 is or was involved. These proceedings would include interferences, reissues, reexaminations, and litigation.

Applicant is further reminded of the continuing obligation under 37 CFR 1.56, to timely apprise the Office of any information which is material to patentability of the claims under consideration in this reissue application.

These obligations rest with each individual associated with the filing and prosecution of this application for reissue. See also MPEP §§ 1404, 1442.01 and 1442.04.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

Art Unit: 3746

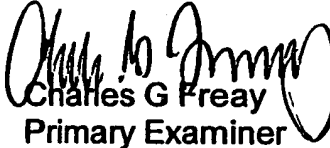
TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ingham et al, Martin, Schuh and Yamone et al disclose gas turbines having the fuel flow controlled in response to the exhaust gas temperature.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles G. Freay whose telephone number is 571-272-4827. The examiner can normally be reached on Monday through Friday 8:30 A.M. to 5:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Thorpe can be reached on 571-272-4444. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Charles G. Freay
Primary Examiner
Art Unit 3746

CGF
April 25, 2006



PTO/SB/08a (07-05)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

Application Number	10/712,917
Filing Date	November 11, 2003
First Named Inventor	J. Michael Teets
Art Unit	3746
Examiner Name	Charles Grant Freay
Attorney Docket Number	3419-032151

Sheet

of

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code ² (if known)			
CF		US- 2,980,132	04-18-1961	PRUATEL, et al.	
CF		US- 3,465,778	09-09-1969	KAST	
CF		US 3,664,124	05-23-1972	FEHLER	
CF		US- 4,493,187	01-15-1985	HANSEN	
CF		US 4,951,459	08-28-1990	MOCARTY	
CF		US- 5,020,315	06-04-1991	LEACHMAN, et al.	
		US-			
		US-			
		US-			
		US-			

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁴
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
CF		GB 1 223 844	03-03-1971	ROLLS ROYCE LTD		
CF		EP 0 423 919	04-24-1991	WILLIAMS INT CORP		

Examiner
Signature

/Charles Freay/

Date
Considered

04/25/2006

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

(W0243344.1)

Notice of References Cited	Application/Control No. 10/712,917	Applicant(s)/Patent Under Reexamination TEETS ET AL.	
	Examiner Charles G. Freay	Art Unit 3746	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-3,902,315	09-1975	Martin, Anthony N.	60/39.091
*	B	US-3,943,373	03-1976	Yannone et al.	290/40R
*	C	US-4,627,234	12-1986	Schuh, Paul A.	60/39.281
*	D	US-5,165,223	11-1992	Ingham et al.	60/778
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

**SUPPLEMENTAL DECLARATION
FOR REISSUE
PATENT APPLICATION
TO CORRECT "ERRORS" STATEMENT
(37 CFR 1.175)**

Attorney Docket Number	3419-032151
First Named Inventor	J. Michael Teets
<i>COMPLETE if known</i>	
Application Number	10/712,917
Filing Date	11/13/2003
Art Unit	3746
Examiner Name	Charles Grant Freay

I/We hereby declare that:

Every error in the patent which was corrected in the present reissue application, and which is not covered by the prior oath(s) and/or declaration(s) submitted in this application, arose without any deceptive intention on the part of the applicant.

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

I/We hereby declare that all statements made herein of my/our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of Sole or First Inventor:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any])		Family Name or Surname	
J. Michael		Teets	
Inventor's Signature		Date	
Name of Second Inventor:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any])		Family Name or Surname	
Jon W.		Teets	
Inventor's Signature		Date	

☐ Additional inventors or legal representatives(s) are being named on the _____ supplemental sheets PTO/SB/02A or 02LR attached hereto.

This collection of information is required by 37 CFR 1.175. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

EXHIBIT C

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

7/12/06.

Mike pls review and sign signature
page " TO CORRECT ERRORS STATEMENT "
Pls have Jon sign as well.

Thanks Vicky

Pls let me have it back by
end of July so that we can
respond to attorney's before August.

7/15/06

Thanks

Vicky

Jon and I do not accept the responsibility
of signing the signed patent application 10/712,917 form
PTO/58/518. I have enclosed the package you had supplied
me for review.

Regards, J. Michael Teale Jon's.

Mike

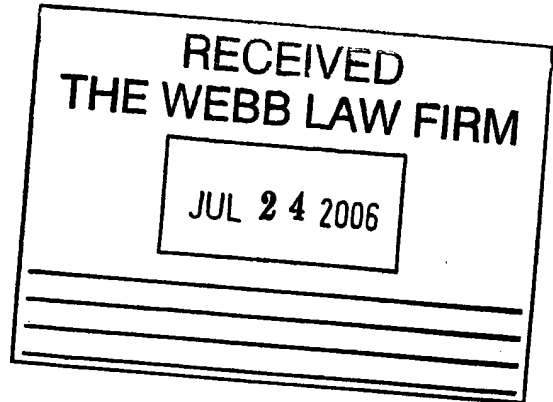
620-948-3247.

220-8524.



July 19, 2006

The Webb Law Firm
700 Koppers Building
436 Seventh Ave.
Pittsburgh, PA 15219
Attn: Paul M. Reznick



Dear Paul:

I sent this package to the Teets brothers for signature but as I expected they would not sign. We therefore need to petition the Patent Office so that a representative of Elliott Energy Systems can sign the Declaration on their behalf, as you suggested in your letter dated July 7th, 2006.

Yours Sincerely,

A handwritten signature in cursive script that reads 'Margaret V. Merton'.

Margaret V. Merton
General Administration Mgr.

mvm
enc.

EXHIBIT E



REISSUE DECLARATION AND POWER OF ATTORNEY

J. MICHAEL TEETS and JON W. TEETS declare:

We are each citizens of the United States of America.

J. Michael Teets is a resident of Hobe Sound, Florida, County of Martin, whose post office address is 5225 Inkwood Drive, Hobe Sound, Florida 33455.

Jon W. Teets is a resident of Scottsdale, Arizona, County of Maricopa, whose post office address is 7556 E. Sweetwater Avenue, Scottsdale, Arizona 85260.

We believe ourselves to be the original, first and joint inventors of the subject matter which is described and claimed in Letters Patent No. 6,314,717, granted on November 13, 2001 and for which invention we solicit a reissue patent on the invention for which the specification and a Preliminary Amendment are attached hereto.

We have reviewed and understand the contents of the above identified specification, including the drawings, specification and claims, as amended by any amendment referred to above.

We do not know and do not believe that the same was ever known or used in the United States before our invention thereof.

We acknowledge our duty to disclose information of which we are aware which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

We verily believe U.S. Patent No. 6,314,717 (hereinafter "the patent") to be wholly or partly inoperative or invalid by reason of the patentees claiming less than we had a right to claim in the patent. These errors, which are being corrected up to the time of the filing of this application, arose without any deceptive intent on the part of the Applicants. We solicit a reissue patent to correct these errors.

All of these errors are corrected by amendment to the specification and drawings in this reissue application.

At least one error upon which reissue is based is described below.

Specifically, during a recent review of the scope of the patent, it was discovered that the legal scope of protection afforded by the claims of the patent was not as great as it could have been if additional method claims associated with the apparatus claims were included in the original application.

Furthermore, during a recent review of the scope of the patent, it was discovered that the legal scope of protection afforded by the claims of the patent was not as great as it could

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have been if unnecessary features and details of the invention had not been included in the claims. In particular, claim 1 includes features of the fuel metering valve which unnecessarily narrow the claim.

We declare further that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

We hereby appoint William H. Logsdon, Registration No. 22,132; Russell D. Orkin, Registration No. 25,363; David C. Hanson, Registration No. 23,024; Frederick B. Ziesenheim, Registration No. 19,438; Richard L. Byrne, Registration No. 28,498; Kent E. Baldauf, Registration No. 25,826; Barbara E. Johnson, Registration No. 31,198; Paul M. Reznick, Registration No. 33,059; John W. McIlvaine, Registration No. 34,219; Julie W. Meder, Registration No. 36,216; Lester N. Fortney, Registration No. 38,141; Randall A. Notzen, Registration No. 36,882; James G. Porcelli, Registration No. 33,757; Kent E. Baldauf, Jr., Registration No. 36,082; Christian E. Schuster, Registration No. 43,908; Nathan J. Prepelka, Registration No. 43,016; Jessica M. Schroth, Registration No. 47,102; Kirk M. Miles, Registration No. 37,891; J. Matthew Pritchard, Registration No. 46,228; Darrell E. Williams, Registration No. 45,222; Alka A. Patel, Registration No. 49,092; Philip J. Foret, Registration No. 51,689; Patricia A. Olosky, Registration No. 53,411; Alexander Detschelt, Registration No. 50,261; and Gwen R. Acker Wood, Registration No. 51,027, whose post-office address is 700 Koppers Building, 436 Seventh Avenue, Pittsburgh, Pennsylvania 15219-1818, Telephone No. 412-471-8815, my attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, to amend the specification, to appeal in case of rejection, as they may deem advisable, to receive the patent when granted and generally to do all matters and things needful in the premises, as fully and to all intents and purposes as I could do.

All correspondence and telephone calls should be addressed to Richard L. Byrne.

I hereby subscribe my name to the foregoing specification and claims, declaration and power of attorney this 13th day of Nov, 2003.

Inventor J. Michael Teets
J. Michael Teets

I hereby subscribe my name to the foregoing specification and claims, declaration and power of attorney this 13 day of Nov, 2003.

Inventor Jon W. Teets
Jon W. Teets

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